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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Zander et al.

Appln. No.: 10/749,871

Filed: December 30, 2003

For: VISUALLY COORDINATED ABSORBENT
PRODUCT

Attorney Docket No: 659-2080

Client Ref. No.: 19996

Examiner: Hand, Melanie Jo

Art Unit: 3761

Conf. No.: 6330

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Communication Concerning Examiner's Supplemental Answer; and
- ☒ Return Receipt Postcard.

Fee calculation:

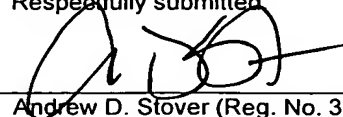
- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 CFR § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 CFR § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X105=			x \$210=	
First Presentation of Multiple Dep. Claim					+\$185=			+ \$370=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted



May 8, 2008
Date

Andrew D. Stover (Reg. No. 38,629)

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& LIONE

BRINKS HOFER GILSON & LIONE
NBC Tower - Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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**BRINKS
HOFER
GILSON
& LIONE**



Our Case No. 659/2080
K-C Ref. No. 19,996

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zander, et al.,

Serial No.: 10/749,871

Filing Date: December 30, 2003

For: VISUALLY COORDINATED
ABSORBENT PRODUCT

Examiner: Hand, Melanie Jo

Group Art Unit No.: 3761

Confirmation No.: 6330

COMMUNICATION CONCERNING EXAMINER'S SUPPLEMENTAL ANSWER

MS APPEAL BRIEF - PATENTS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants received a communication mailed March 11, 2008 stating that the Examiner's October 17, 2007 Answer was "vacated in another Office action, paper no. 20080306, and a new supplemental examiner's answer was attached thereto. Therefore [Appellants' Second Reply Brief] is entered and considered moot." Applicants respectfully

submit that they never received Paper No. 20080306, or any new Supplemental Examiner's Answer.

Upon receipt of the March 11, 2008 communication, Applicants' undersigned attorney reviewed the USPTO PAIR system, which revealed that no such Answer had been mailed or made of record. Applicants' undersigned attorney then called the Examiner on March 19, 2008 to explain that Applicants had not received Paper No. 20080306, or the accompanying supplemental Examiner's answer. In response, the Examiner indicated that she would mail the revised Supplemental Answer. Subsequently, another communication, identical to the March 11, 2008 communication, was mailed March 26, 2008.

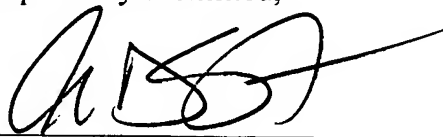
To date, Applicants have not received any paper vacating the Supplemental Examiner's Answer mailed October 17, 2007, or a revised Supplemental Examiner's Answer with the appropriate signatures as required by an Order mailed February 13, 2008.

Moreover, no such papers are of record on the USPTO PAIR system. Accordingly, Applicants respectfully request that such papers be mailed to Applicants so that they can respond thereto if deemed appropriate. To the extent that any revised Supplemental Answer merely adds a signature, then Applicants respectfully request that the Second Reply Brief filed December 17, 2008 be considered on the merits, rather than being rendered moot.

In any event, Applicants respectfully request that Paper No. 20080306 and any accompanying Supplemental Examiner's Answer be mailed to Applicants forthwith, such that Applicants may have the opportunity to review such papers and respond thereto if deemed appropriate.

Any questions concerning this communication should be directed to the undersigned attorney at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Stover', written over a horizontal line.

Andrew D. Stover
Registration No. 38,629
Attorney for Appellant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200